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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,616	09/29/2003	Atsushi Ogata	02910.000083	6259
5514 7590 04/25/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
FOLAYAN, TEMITAYO				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,616

Applicant(s)

OGATA, ATSUSHI

Examiner

TEMITAYO FOLAYAN

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 2/08/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is responsive to applicant's remarks received on January 25, 2008. Claims 1-3, 8-11 and 13 are pending. Claims 5-7 and 12 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 8-11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabata et al. (United States Patent 5,267,059), hereinafter referenced as

Kawabata in view of Kobayashi et al. (United States Patent 5,903,811) hereinafter referenced as Kobayashi.

Regarding claim 1, Kawabata discloses a sheet scanning apparatus. In addition Kawabata discloses a first feeding unit configured to feed a document (as disclosed at column 4, line 29, wherein the feed roller is considered "first feeding unit"); a second feeding unit configured to feed the document which has fed by the first feeding unit in a feeding direction for feeding the document (as disclosed in column 4, line 10, wherein the eject roller is considered "second feeding means"); an image scanning unit configured to scan an image of the document at a scanning position provided between the first feeding unit and the second feeding unit (as disclosed at column 4, line 17, wherein a CCD is considered "image scanning unit"); and a speed controller speed configured to set feed speeds of the first feeding unit and the second feeding unit by controlling the first driving unit and the second driving unit; wherein the speed controller controls the first driving unit and the second driving unit (the motor control circuit instructs the oscillation circuit to generate a middle frequency between a first frequency corresponding to the first feeding speed and a second frequency corresponding to the second feeding speed, as disclosed at column 2 lines 11-15) such that when a front end of a document which is fed by the first feeding unit is charged to the second feeding unit, the feed speed of the first feeding unit is set to a predetermined feed speed and the feed speed of the second feeding unit is set to a first feed speed, and when a front of the document is fed by both of the first feeding unit and the second feeding unit, the feed speed of the first feeding unit is kept at said predetermined feed speed and the

feed speed of the second feeding unit is set to a second feed speed slower than the first feed speed (as disclosed at column 5 lines 30-35).

Kawabata does not disclose a first and second driving means.

Kobayashi in a similar field of document feeding discloses a first driving unit configured to rotate the first feeding unit (as disclosed at column 4 line 37, wherein "DC motor M1" is considered first driving unit); a second driving unit configured to rotate the second feeding unit (as disclosed at column 4 line 54 wherein "DC motor M2" is considered second driving unit). Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kawabata's sheet scanning apparatus to include: a first and second driving means.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kawabata's sheet scanning apparatus by the teaching of Kobayashi for the purpose of accelerating the feeding and transfer rollers.

Regarding claim 2, Kawabata and Kobayashi disclose everything claimed as applied above (see claim 1), in addition Kawabata discloses wherein the speed controller controls the first driving unit and the second driving unit (as disclosed at column 4, line 66) such that when the document is fed by both of the first feeding unit and the second feeding unit, the second feed speed of the second feeding unit is set faster than the predetermined feed speed of the first feeding unit (as disclosed at column 5, lines 30-35).

1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabata in view of Kobayashi further in view of Katsuta et al. (United States Patent 5,995,801) hereinafter referenced as Katsuta.

Regarding claim 3, Kawabata and Kobayashi disclose everything as claimed applied above (see claim1), in addition Kawabata discloses "wherein the speed controller controls the second driving unit such that the feed speed of the second feeding unit in a state in which the document is fed only by the second feeding unit" as disclosed at column 4, lines 66-68; however Kawabata fails to disclose both feeding means having equal speed. However, the examiner maintains that it is well known in the art to have both feeding means have equal feeding speeds, as taught by Katsuta.

In a similar field of endeavor Katsuta discloses a document feeder. In addition, Katsuta discloses "is equal to the predetermined feed speed of the first driving unit" as disclosed at column 12, lines 52-54.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus to have equal speeds in both feeding units, as taught by Katsuta, for the purpose of having each means far enough apart at equal distances to maintain an equal speed.

Regarding claim 11, Kawabata and Kobayashi disclose everything claimed as applied above (see claim 1), in addition Kawabata discloses wherein feed power of the second feeding unit is weaker than a feed power of the first feeding unit, and when a document is fed by both of the first feeding unit and the second feeding unit, the feed speed of the document depends on the feed speed of the first feeding unit (Paper is fed

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at the tangential speed A until the front end thereof reaches the nip part of the eject roller 36 and the pressure roller 37 since the paper is fed by only the feed roller 38. On the other hand, after the front end of the paper reaches the nip part, it is fed at the tangential speed B because of the eject roller 36, as disclosed at column 7 lines 14-19).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 8 and dependent claims 9, 10 and 13 are rejected for such reasons.

Allowable Subject Matter

Claims 5-7 and 12 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITAYO FOLAYAN whose telephone number is (571)270-3574. The examiner can normally be reached on Monday - Thursday 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

TF,
April 22, 2008